

prevents movement of the saw blade in the plane parallel to the table surface.

REMARKS

One paragraph of the specification and several of the claims have been amended in order to correct grammatical and typographical errors. No new matter has been amended. Claims 30-32 have been cancelled without prejudice and new claims 35-52 have been added. Therefore, reexamination and reconsideration of claims 1-19, 21-29 and 33-53 is hereby solicited.

In the Office Action mailed May 22, 2001, several claims were rejected under Section 112, second paragraph as being indefinite. The clarifying amendments to claim 1 are believed to overcome the indefiniteness rejection of claim 1. Further, claim 31 has been cancelled, thereby mooting the indefiniteness rejection of claim 31.

In addition, claims 18, 26, 33 and 34 were rejected as indefinite, because these claims allegedly fail to recite sufficient structure to perform the recited function. Because these rejections are all essentially the same, these rejections will be concurrently traversed.

Applicant respectfully contends that all claims fully comply with the requirements of Section 112, second paragraph

and MPEP 2173. Applicant has thoroughly studied the requirements of Section 112, second paragraph and can find no legal support for the Examiner's legal position. Quite to the contrary, MPEP 2173 clearly indicates that the present claims are not indefinite.

It is axiomatic that the applicant may use functional language or any style of expression that makes clear the boundaries of the subject matter for which protection is sought. MPEP 2173.01. Moreover, MPEP 2173.05(g) expressly states:

There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper.

The claims rejected by the Examiner utilize functional language in order to define the cooperation between the various recited limitations of the claims and, unquestionably, a person of skill in the art can easily determine the metes and bounds of each of the present claims. In particular, the legal threshold for indefiniteness under Section 112, second paragraph, is whether "the patentable subject matter [is defined] with a reasonable degree of particularity and distinctiveness." MPEP 2173.02 (Emphasis in original). This MPEP section further states:

Some latitude in the manner of expression and aptness of terms should be permitted even though the claim language is not as precise as the

examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity of precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by the applicants satisfy the statutory requirement. Id. (Emphasis added)

Applicant has defined the claims in a manner in which the Applicant regards his invention. In view of the remote nature of the closest art cited by the Examiner during the prosecution of this application, clearly the present invention is pioneering. Thus, Applicant is entitled to broadly claim his invention and most importantly, "breadth is not indefiniteness." MPEP 2173.04. This MPEP section continues:

If the scope of the claim embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. Id. (Emphasis added)

According to MPEP 2172.01, the applicant may be required to recite a necessary structural cooperative relationship of the recited elements, if the applicant has described such structural cooperation as being necessary to practice the invention. However, Applicant has in no way indicated in the present specification or otherwise that any specific structural cooperation is necessary or essential to the claimed inventions. To the contrary, Applicant has indicated that a variety of sensors may be utilized with the claimed

inventions. (See e.g., page 12, line 23 to page 13, line 4 and page 20, lines 3-5 of the present specification). Further, a person of skill in the art will readily recognize that a wide variety of lock structures, or means for preventing movement, may be utilized in conjunction with the present teachings. Naturally, the choice of a particular sensor and lock will require a certain structural cooperation. However, in view of the wide variety of options taught to the person of skill by the present teachings, a person of skill in the art will readily recognize that a wide variety of options may be utilized to provide structural cooperation between the recited elements. Because Applicant has in no way indicated that any particular structural cooperation is essential to the claimed inventions, MPEP 2172.01 is not implicated in this application.

Therefore, Applicant respectfully submits that the present claims are patentable in all respects and an early Notice of Allowance is solicited. However, in the event that the Examiner elects to reiterate this indefiniteness rejection, Applicant hereby earnestly requests the Examiner to specifically identify his legal support for this rejection, so that Applicant will be properly notified of the Examiner's grounds for making such a rejection before Applicant is required to submit an Appeal Brief. As noted above, not only can Applicant not locate any legal support for the Examiner's

position, but Applicant respectfully submits that MPEP 2173 completely contradicts the Examiner's position. Therefore, Applicant is at a complete loss as to the Examiner's alleged legal support for this rejection and requests further elucidation of this indefiniteness rejection in order to further respond (if necessary) to the Examiner's position.

Finally, in the Amendment filed November 20, 2000, Applicant requested withdrawal of the species election requirement and rejoinder of claims 2-11, which continue to stand withdrawn from consideration in the Office Action mailed May 22, 2001. Because paragraph 3 of the Office Action mailed May 22, 2001 indicates that generic claim 1, from which claims 2-11 depend, has been found to be allowable in substance, Applicant hereby reiterates his request to rejoin claims 2-11 for substantive examination in accordance with MPEP 809.02(e).

Respectfully submitted,
Dennison, Scheiner,
Schultz & Wakeman

By:

Scott T. Wakeman
Reg. No. 37,750
(703) 412-1155 Ext. 17